

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: BLB, BLC, JHE-RA, JNA, JNA-RA, JFA, JFA-RA, JOA-EA, KLA-RA

Responsible Office: Deputy Superintendent of Schools

Student Records

I. PURPOSE

To provide procedures and establish responsibility for collecting, maintaining, and releasing information about students that is contained in the students' records

II. DEFINITIONS

- A. A *student record* consists of information directly related to a student that is maintained in written, photographic, or computer media format. Student records include records concerning disciplinary actions taken against the student. Student records do not include personal files kept by professionals or records of a law enforcement unit of the school system if the records are maintained separately from education records, maintained only for law enforcement purposes and disclosed only to law enforcement officials of Montgomery County.
- B. A *cumulative folder* consists of basic student data recorded on forms mandated by the Maryland State Department of Education or MCPS for a specific purpose in accordance with the procedures outlined in this regulation.
- C. A *health folder* consists of information pertaining to a student's medical history and health needs and is maintained for each student in accordance with the procedures outlined in this regulation.
- D. A *confidential folder* is created when it is necessary to gather information to supplement basic student data in order to assist teachers, counselors, and others working with a student. Information filed in a confidential folder is maintained in accordance with the procedures outlined in this regulation.
- E. An *eligible student* is a student who is 18 years of age or older, or a student who is married and therefore has the same rights as those granted to the student's

parents/guardians. Parents of dependent eligible students, however, may access their child's education records without prior consent of the eligible student.

- F. *Directory information* is information relating to a student that would not generally be considered harmful or an invasion of privacy if disclosed. This information includes the student's name, home address including e-mail address if applicable, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, the most recent previous educational agency or institution attended by the student, and other similar information.
- G. *School officials* with authority to access information in a student's record include administrators, supervisors, teachers, school nurses, and other health care professionals who work with schools, school security personnel, school attorneys and auditors, and others acting on behalf of the school system who need access to fulfill his or her job responsibilities.

III. GENERAL PROVISIONS

- A. School recordkeeping practices and procedures will be in accordance with federal and state law, regulations of the State Board of Education, and the Maryland Student Records System Manual.
- B. Information gathered by teachers, counselors, or other school personnel for stated purposes other than for inclusion in the student's education record (e.g., a biographical theme written as an exercise in English composition) may not be included in the individual student's file without written consent of the principal and the parent/guardian/eligible student.
- C. Personal Files Kept by Professionals
 - 1. Administrators, counselors, teachers, psychologists, nurses, pupil personnel workers, and social workers may maintain personal files containing notes, transcripts of interviews, clinical diagnoses, and other memory aides for their own use when counseling students.
 - 2. Personal files are to be kept in a secure place, preferably under lock and key, and will not be available to or shared with any other person.
 - 3. Personal files are to be destroyed when no longer useful

D. Annual Notification of Rights

The Family Educational Rights and Privacy Act (FERPA) requires educational institutions such as MCPS to provide an annual notification of rights to parents that will include:

1. The right to inspect and review student's education records and the procedure for doing so
2. The opportunity for a hearing to challenge the content of the student's education record when they believe it contains information that is inaccurate, misleading, or in violation of the privacy or other rights of the student and the procedure for doing so (Grades are NOT subject to challenge through this regulation.)
3. Limiting disclosure of information from the student's education record to those who have the consent of the parent/guardian/eligible student or to individuals who have been designated as "school officials" in this regulation and need access to perform his/her job; officials of other schools in which the student seeks to enroll; and, under certain conditions and for specific purposes, local, state, and federal officials and in accordance with court orders
4. The right to file a complaint with the U.S. Department of Education if they believe their rights under this law have been violated and efforts to resolve the situation through MCPS appeal channels have not proved satisfactory

IV. CREATION OF STUDENT RECORDS

In accordance with procedures described in the *Student Recordkeepers Manual*, a record is created for each student, which consists of the following folders:

- A. The cumulative folder, which includes, at a minimum, forms in the Pupil Data System (PDS) and/or the Student Record System (SRS)
- B. A health folder, usually maintained in the health room by the responsible professional
- C. A confidential folder when a student is referred for special education screening, when a 504 plan has been established, or for information that is of a personal nature and is supplemental to the basic student data collected for all students

V. RELEASE OF INFORMATION AND ACCESS TO STUDENT RECORDS**A. School Officials and Authorized Personnel**

1. A student's cumulative, health, or confidential folder is accessible only to school officials as defined in II.G. of this regulation.
2. Only with the written consent of the parent/guardian/eligible student may information from the confidential folder be provided to individuals or agencies other than those defined in III.C.1.
3. An authorized representative of a public agency, or other appropriate party in an emergency situation involving the health and safety of the student and other individuals on a "need-to-know" basis in conference with and on approval of the principal is allowed access under the following conditions:
 - a) The seriousness of the threat
 - b) The need to know the information to meet the emergency
 - c) Whether the parties to whom the information is disclosed are in a position to deal with the emergency
 - d) The extent to which time is of the essence in dealing with the emergency

B. Parents/Guardians/Eligible Students

Requests by the parent/guardian/eligible student for access to his/her record will be complied with, whenever practicable, within 10 school days after the written request has been received and prior to any hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

A student's record is available for review by:

1. The parents/guardians/eligible student in conference with the principal/designee (If a psychological is being reviewed, the appropriate professional staff person may also be present to interpret the record.)

2. The student (under age 18) with written permission from the parent/guardian or if accompanied by the parent/guardian and in conference with the principal/designee
 3. In those instances where the student's health records are to be reviewed by the parent/guardian/eligible student, the appropriate professional staff person is to be present to interpret the records if requested
- C. A record (log) of individuals who have requested and/or obtained access to a student's record must be maintained by the principal/designee or other appropriate MCPS personnel. In addition to the name(s) of the person(s) requesting/obtaining access, the log must indicate the date of request/review and the purpose of the review. The log may be maintained as a part of each student's folder or be kept in the appropriate school or office in master form. The important point is that there be a record of parties who seek or obtain access that can be reported to the parent/guardian/eligible student upon request. Exceptions to this procedure are the following:
1. School officials and authorized personnel as noted above
 2. Parties for whom written consent of the parent/guardian/eligible student has been received
 3. A party seeking or receiving the records as directed by a federal grand jury or other lawfully issued subpoena or order where the issuing agency has ordered that the existence or the content of the subpoena or the information furnished in response not be disclosed
 4. The parent/guardian or eligible student
- D. Release of Student Information and Fee Structure
1. Any request for student records must be made in writing, signed and dated, to the principal or other authorized school official.
 2. If a parent/guardian/eligible student requests copies of the student's cumulative, health, and/or confidential records, one complete set of same will be released free of charge.
 - a) Additional copies of these records will be released at the rate of 10 cents per page.

- b) Requests for the release of psychological data must be referred to the Department of Student Services. (Also see Regulation JHE-RA: *Psychological Testing*.)
- c) For information concerning fees for transcripts see MCPS Policy JNA: *Out-of-Pocket Expenses of Students*.

- 3. It is the goal of MCPS that a request should be honored within 10 school days from the date of request even though federal and state law permits compliance within 45 days.

E. Release of Student Information to the Non-custodial Parent

Parents who do not have custody of their children are entitled to receive copies of report cards, test scores, school newsletters, interim reports, loss-of-credit notification, and other information that pertains to their child's education and that is routinely sent to or available to the parent who has custody unless there is a court order or legally binding agreement, such as a separation agreement in the cumulative student folder to the contrary.

- 1. The non-custodial parent has the responsibility to submit a written request to the principal and should include his/her name, address, and type of information desired.
- 2. Schools may ask the non-custodial parent to provide self-addressed envelopes for sending this material or to pay a reasonable fee at the beginning of the school year for copying and mailing unless the non-custodial parent signs a notarized statement that the parent is unable to pay the fee.
- 3. **The custodial parent should be notified when such a request has been made.**

F. Conditions for the Disclosure of Directory Information

Within 30 days following the beginning of each school year, MCPS will give public notice of the following:

- 1. The categories of personally identifiable information that the institution has designated as directory information (see item II.F of this regulation.)
- 2. The right of the parent/guardian/eligible student to withhold all or part of the personally identifiable information from public release

3. The limitation on disclosure of a student's home address and phone numbers that permits disclosure only to organizations of any combination of parents, teachers, and students of a school; a force of the military; those hired by the school system to confirm home addresses or phone numbers; or a Maryland community college
4. The period of time within which the parent/guardian/eligible student must inform the school in writing that such personally identifiable information is to be withheld

G. Subpoenaed Records

Records may be subpoenaed by attorneys or courts of law. The three types of cases, which require different response procedures, are: civil, criminal, and juvenile. Procedures are described in the *Student Recordkeepers Manual* and the Legal Issues folder on First Class.

VI. RESPONSIBILITIES

A. The principal is responsible for:

1. Collecting required data in accordance with the *Code of Maryland Regulations* (COMAR) for each student in the school
2. Establishing and maintaining complete and accurate records
3. Ensuring the security of each student's cumulative, health and, when appropriate, confidential folders
4. Notifying the parents/guardians/eligible student in writing immediately when a confidential folder is established for a student. The written notification will:
 - a) Include a statement as to why the confidential folder is being established
 - b) Inform the parents/guardians/eligible student of their right of access to the file
 - c) State that the file will be destroyed when it is no longer useful for legitimate educational purposes

B. All professional personnel are responsible for:

1. Assuring that the collections of data, beyond that collected for all students, is authorized by the parent/guardian/ eligible student, in accordance with Item III.B. above
2. Informing agencies outside the school system of the parent's/guardian's/eligible student's right of access to the student's confidential file before accepting documents marked "For Professional Use Only"

C. The responsible professional will assure that:

1. Any document placed in the record is:
 - a) Accurate
 - b) Necessary for administrative reasons or for professional understanding of the student
 - c) Helpful in counseling with the student or his/her parents/guardians
2. Confidential folders are not removed from the immediate area in which they are filed except with the written permission of the responsible professional and any document placed in the folder is dated and signed by the originator
3. Data in the records are reviewed periodically to ensure that all data are useful, legible, and current and that improper, redundant, and no longer useful material is removed
4. Material removed from the record is destroyed in a manner so that it cannot be reconstructed and identified with the student concerned
5. Psychological evaluations that are no longer useful are sent to the consulting psychologist, Department of Student Services, who will assure that all copies of the report are destroyed

- D. The Department of Student Services has primary responsibility for the maintenance of copies of psychological reports and for their dissemination to other agency personnel or private practitioners, provided that the parent/guardian/eligible student has granted permission in writing for the forwarding of such reports. The parents/guardians/eligible student may receive a copy of the psychological report, if desired, by filing a written request with the Department of Student Services.

VII. MAINTENANCE OF STUDENT RECORDS

- A. Review of student records shall occur at least when:
 - 1. The student transfers to the next higher organizational level, such as from elementary to middle school level
 - 2. The student graduates from high school
 - 3. The student withdraws for any reason
- B. Material should not be removed from the education record of a student if the parent/guardian/eligible student has a request outstanding to review the record.
- C. Extraneous material or records that no longer serve a legitimate educational purpose are removed and destroyed. Examples are miscellaneous notes, duplicate copies of report cards, obsolete test booklets, and suspension reports that do not show a pattern of serious misbehavior.

VIII. CORRECTION OF STUDENT RECORDS

If a parent/guardian/eligible student believes the information contained in the student record is inaccurate or misleading or violates the privacy rights of the student, he/she may request that the record be amended in accordance with the following steps:

- A. The parent/guardian/eligible student submits a request in writing to the responsible professional
- B. If agreement is reached within a reasonable time following receipt of the request and/or through a conference to honor the request, the amendment or deletions are made as soon as practicable

- C. If agreement is not reached within a reasonable time between the parties involved, the responsible professional will apprise the parent/guardian/ eligible student of the procedures for appealing the decision in accordance with MCPS Regulation KLA-RA: *Responding to Inquiries and Complaints From the Public*, after which the appeal may be taken to the Board of Education under MCPS Policy BLB: *Rules of Procedure in Appeals and Hearings* or MCPS Policy BLC: *Procedures for Review and Resolution of Special Education Disputes*
- D. If the party wishes to appeal the Board's decision, he/she may file a complaint with the U.S. Department of Education. Complaints should be addressed to the U.S. Department of Education, FERPA Office, 400 Maryland Avenue, S.W., Washington, D.C. 20202-4605.

IX. TRANSFERRING STUDENT RECORDS

A. General

1. Student records may be transferred within MCPS without a written request from the receiving school. However, the sending school should not forward records until a verbal/written request has been made by the receiving school.
2. Student records may not be transferred to another school outside MCPS without a written request from the receiving school. Oral requests, however, may be accepted in the case of homeless students to expedite the transfer.
3. If the request is from the principal of a non-MCPS receiving school, the MCPS principal/designee sends notification of the transfer of records to the last known address of the parent/guardian/eligible student. At the elementary and middle schools, the transmittal date and name and address of the school to which the records are sent are recorded on the MCPS Form 565-3: *Permanent Student Record Card*.
4. The original records are never given to the student or parent/guardian for transfer. Parents/guardians/eligible students may, however, receive copies.
5. Once a school has received a formal request for records, the sending school shall send the records to the receiving school, with the following exceptions:
 - a) No records or reports of suspected child abuse may be sent to any school

- b) No records of a student's treatment for substance abuse, or effort to obtain treatment for substance abuse, may be sent to any school unless the sending school has obtained written consent of the student, even if the student is a minor
 - 6. Requests for psychological reports from schools outside of MCPS should be directed to the Department of Student Services. Psychological reports are not to be sent from the school.
 - 7. Information in confidential folders will not be sent to a private school or a school outside Montgomery County without the written request of the student's parent/guardian/ or of the eligible student.
 - 8. Folders are routinely sent to another Montgomery County public school for students who transfer as a result of promotion or boundary change. Records of students who fail to report to the receiving school by September 30 are returned to the sending school.
 - 9. Records of students transferring for reasons other than promotion or boundary change are held until requested by the principal of the receiving school or other authorized school system administrator.
 - 10. Principals may withhold the sending of report cards or other records if the student has an outstanding obligation to the school. However, parents may request and receive copies of their child's records regardless of the obligation. (See MCPS Regulation JNA-RA: *Student Out-of-Pocket Expenses and Collection of Student Debts or Obligations*.)
- B. Specific records are forwarded in accordance with the *Student Recordkeepers Manual*.

X. RETENTION OF RECORDS

A. Records of Withdrawn Students

Records for students who have withdrawn are maintained at each school for a five-year period, after which they are maintained and disseminated by Central Records in accordance with procedures described in the *Student Records Manual*.

B. Records of MCPS Graduates

Records for students who have graduated are maintained at each school for a five-year period, after which they are maintained and disseminated by Central Records in accordance with procedures described in the *Student Records Manual*.

Administrative History: Formerly Regulation No. 545-1, revised October, 1982, revised December 1986; revised November 11, 1993; revised October 20, 2000.